

Message Text

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SUBJECT: ALASKAN SUPREME COURT MARIJUANA RULING

REFS: (A) MEXICO 4759

. (B) MEXICO 4760

1. THE FULL TEXT OF ALASKAN SUPREME COURT OPINION ON LEGALITY OF PRIVATE POSSESSION AND USE OF MARIJUANA NOT AVAILABLE IN WASHINGTON; HOWEVER, CLERK OF COURT IS SENDING COPY TO DEPT VIA AIR MAIL. A COPY WILL BE FORWARDED TO EMBASSY AS SOON AS AVAILABLE.

2. WHILE DEPT IS RELUCTANT TO COMMENT ON COURT'S ACTION BEFORE READING FULL OPINION, FOLLOWING MAY BE SAID: OUR UNCLASSIFIED

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OBLIGATIONS UNDER SINGLE CONVENTION ON NARCOTIC DRUGS VIS A VIS CANNABIS (MARIJUANA) LEAVES ARE ESTABLISHED IN ARTICLE 28, PARA 3, WHICH REQUIRES PARTIES TO "ADOPT SUCH MEASURES AS MAY BE NECESSARY TO PREVENT THE MISUSE

OF, AND ILLICIT TRAFFIC IN, THE LEAVES OF THE CANNABIS PLANT." ACTING TO DISCHARGE ITS OBLIGATIONS UNDER THE TREATY (SEE 22 U.S.C. SUB.SEC. 801(7)) CONGRESS ENACTED THE CONTROLLED SUBSTANCES ACT WHICH INCLUDES MARIJUANA IN SCHEDULE I (22 U.S.C. SUB.SEC. 812(C) SCHEDULE I(C)(10)) AND PRESCRIBES A PENALTY OF FINE AND/OR IMPRISONMENT FOR

ILLEGAL POSSESSION (22 U.S.C. SUB. SEC. 844(A)). THIS REMAINS CONTROLLING U.S. FEDERAL LAW WITH RESPECT TO USE AND POSSESSION OF MARIJUANA.

3. DEPT IS ENCOURAGED THAT MEXICAN ATTORNEY GENERAL, ALBEIT DISTURBED BY ALASKAN DECISION AND ITS CONSEQUENCES, INTENDS TO CONTINUE"TO WORK AS ENERGETICALLY AS EVER TO COMBAT THE NARCOTIC TRAFFIC IN GENERAL." (REF B)

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